

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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In re : Chapter 11  
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DOWLING COLLEGE : Case No. 16-75545 (REG)  
f/d/b/a DOWLING INSTITUTE :  
f/d/b/a DOWLING COLLEGE ALUMNI :  
ASSOCIATION :  
f/d/b/a CECOM :  
a/k/a DOWLING COLLEGE, INC., :  
 :  
Debtor. :  
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**ORDER PURSUANT TO SECTION 365(a) OF THE BANKRUPTCY  
CODE AUTHORIZING THE REJECTION OF CERTAIN  
UNEXPIRED LEASES EFFECTIVE AS OF THE PETITION DATE**

Upon consideration of the motion (the "Motion")<sup>1</sup> of Dowling College (the "Debtor"), debtor and debtor-in-possession in the above-captioned chapter 11 case (the "Chapter 11 Case"), seeking entry of an order pursuant to Section 365(a) of Title 11 of the United States Code (as amended, the "Bankruptcy Code") authorizing the Debtor to reject certain Leases as of the Petition Date, as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the relief requested in the Motion being in the best interests of the Debtor, its estate and creditors; and the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just

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<sup>1</sup> Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.


cause for the relief requested herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor

IT IS HEREBY ORDERED THAT

1. The Motion is granted.
2. The Leases, identified on Schedule 1 hereto, including all attendant and ancillary agreements with respect thereto (if any), are hereby deemed rejected effective as of the Petition Date.
3. The non-debtor parties to the Leases must file a claim arising from rejection of the Leases by any applicable bar date established in this Chapter 11 Case.
4. This Order is without prejudice to any rights, claims, defenses and counterclaims that the Debtor may assert with respect to the Leases or any claims arising therefrom.
5. The inclusion of a Lease in the Motion shall not constitute an admission by the Debtor that such Lease is an executory contract or that the Debtor has any ability thereunder, and the Debtor reserves all rights, claims and defenses in connection therewith.
6. This Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the implementation of this Order.

Dated: Central Islip, New York  
December 16, 2016



  
Robert E. Grossman  
United States Bankruptcy Judge

# **Schedule 1**

Counterparty Name and Address	Description of Lease	Lease Identification Number	Lease Term	Surrender Date
Apple Inc. 23801 Calabasas Rd. Suite 101 Calabasas, CA 91302	13 IMAC 27"/QC Computers 13 APP for IMAC – EDU/AE 13 Final Cut Pro X SINGLE UNIT-INT 1 LACIE 1TB Thunderbolt&USB3 V2-ZML	Master Lease Agreement #426, Schedule #197	3 years at @ \$13,382.72/Yr - payable yearly in advance commencing on 9/1/15	All 13 computers stolen on 8/19/16 (police report and insurance claim filed)
Leaf Capital Funding, Inc. 1720 A Crete Street Moberly, MO 65270	2 HP M602N Printers in Oakdale Library SN: CNCCG1D029 SN: CNCCG1D01M	100-2614877-001	63 months @ \$216.55/month commencing 3/13/14	Still On Premises in Oakdale
Leaf Capital Funding, Inc. 1720 A Crete Street Moberly, MO 65270	1 Standard SD440 Copier System SN: D223ZA00005	100-2614877-002	60 months @ \$564.00/month commencing 4/30/2014	Still on Premises in Oakdale
Leaf Capital Funding, Inc. 1720 A Crete Street Moberly, MO 65270	1 Xerox D95 W/SS Finisher & 1 Xerox XC570 Copier System SN: BG2946099 SN: XPN551898	100-2746247-001	60 Months @ \$1,062.50	Still on Premises in Oakdale
Leaf Capital Funding, Inc. 1720 A Crete Street Moberly, MO 65270	1 Triumph 5255 Paper Cutter		39 payments @ \$583.28/month commencing 3/26/15	Still on Premises in Oakdale
Xerox Financial Services LLC 45 Glover Avenue Norwalk, CT 06856	18 Xerox WC5330 Copiers 1 Xerox WC7830 Copier 4 Xerox WC5855 Copier 3 Xerox WC5325 Copier 4 Xerox 3315 Copiers 1 Xerox D95 copier (service only) 1 Xerox XC570 copier (service only)	Lease#: 0026485	63 months @ \$2,014.00/month commencing 7/1/14	Still on Premises in Oakdale

Counterparty Name and Address	Description of Lease	Lease Identification Number	Lease Term	Surrender Date
Marlin Business Bank 2795 E Cottonwood Pkwy Suite # 120 Salt Lake City, UT 84121	1 Kyocera/Copystar CS-255 Digital Copier	401-1258874-001	36 months @ \$130.00	Still on Premises in Oakdale
Great American Financial Services Corporation 625 First Street SE Cedar Rapids, IA 52401	1 – Canon IPF780 Wide Format Color Printer S/N BAAB0296		63 months @ \$163.92	Picked up by lessor on 10/7/16
Mail Finance / Neopost USA 478 Wheelers Farms Rd. Milford, CT 06481	1 Imager 2.5 Rena Address Printer 1 Rena 6' Conveyor w/ Dryer 1 M5500 3 Station Inserter 1 T250 Tabber 1 DF920 Folder	H12111864	60 monthly payments @ \$1,910/month commencing 7/30/15	Still on Premises in Oakdale
Everbank Commercial Finance, Inc. c/o Insurance Center P.O. box 3886 Bellevue, WA 98009	2 Canon Imagerunner 4225 Copier 1 Canon c3325i Copier	41361179-1	63 months @ \$394.51/month commencing 5/28/2016	Still on Premises in Oakdale